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Air Pollution Regulations in State Implementation Plans California, Glenn County

Abcor, Inc, Wilmington, MA Walden Div

Prepared for

Environmental Protection Agency, Research Triangle Park, NC Control Programs Development Div

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Office of Air Quality
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Research Triangle Park NC 27711

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Air Pollution Regulations in State Implementation Plans:

California

Glenn County

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This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

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California

Glenn County

by

Walden Division of Abcor, Inc.
Wilmington, Massachusetts

Contract No. 68-02-2890

EPA Project Officer: Bob Schell

Prepared for

U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Air, Noise, and Radiation
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

August 1978

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Publication No. EPA-450/3-78-054-8

INTRODUCTION

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act Amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

There have been recent changes in the Federal enforceability of parking management regulations and indirect source regulations. The October, 1977, appropriation bill for EPA prohibited Federal enforcement of parking management regulations in the absence of specific Federal authorizing legislation. Federally promulgated parking management regulations have, therefore, been suspended indefinitely. Pursuant to the 1977 Clean Air Act Amendments, indirect source regulations may not be required for the approval of a given SIP. Consequently, any State adopted indirect source regulations may be suspended or revoked; State adopted indirect source regulations contained in an applicable SIP are Federally enforceable. More importantly, EPA may only promulgate indirect source review regulations which are specific to Federally funded, operated, or owned facilities or projects. Therefore, the Federally promulgated indirect source regulations appearing in this document are not enforceable by EPA except as they relate to Federal facilities.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both contaminant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State immediately follow the approved State and local regulations.

Additionally, a summary sheet of the information included in each comprehensive document is presented prior to the regulatory text to allow one to quickly assess the contents of the document. Specifically, the summary sheets contain the date of submittal to EPA of each revision

to the SIP and the date of the Federal Register in which the revision was either approved or disapproved by EPA. Finally, a brief description or reference of the regulation which was submitted is also included.

This document is not intended to provide a tool for determining the enforceability of any given regulation. As stated above, it is intended to provide a comprehensive compilation of those regulations which are incorporated directly or by reference into Title 40, Part 52, of the Code of Federal Regulations. Consequently, the exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation (for example, regulations governing pollutants, such as odors, for which there is no national ambient air quality standards) in this document does not, in itself, render the regulation enforceable.

SUMMARY SHEET

OF

EPA-APPROVED REGULATION CHANGES

GLENN COUNTY APCD

Submittal Date	Approval	Description
6/30/72	9/22/72	All Regs unless otherwise specified.
1/10/75	8/22/77	Sec. 2, 3.1, 10-14.3, 16, 17, 21, 21.1, 24, 57, 58, 81, 85, 86, 95.1, 118, 122.1-122.3, 154, 155
4/21/76	5/11/77	Sec. 14.3, 15

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STATE AIR POLLUTION REGULATIONS

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GLENN COUNTY AIR POLLUTION CONTROL DISTRICT

AIR POLLUTION CONTROL REGULATIONS

ARTICLE I GENERAL PROVISIONS

(2.0)
Section 1. TITLE. These Rules and Regulations shall be known as the Regulations of the Air Pollution Control District of Glenn County.

(1.0)
Section 2. DEFINITIONS. Except as otherwise specifically provided in these Regulations and except where the context otherwise indicates, words used in these Regulations are used in exactly the same sense as the same words are used in Chapter 2, Division 20, and Chapter 10, Division 26, of the Health and Safety Code of the State of California.

(a) Agricultural Burning. "Agricultural Burning" means open outdoor fires used in agricultural operations in the growing of crops or raising of fowls or animals, forest management, or range improvement, or used in improvement of land for wildlife and game habitat.

(b) Agricultural Operations. The growing and harvesting of crops, including timber or the raising of fowls, animals, fish or bees, for the primary purpose of earning a living, and any support or processing operation that is seasonal in nature and necessary to the successful starting, growing, harvesting, and preserving of such crop.

(c) Air Pollution Control Officer. The Air Pollution Control Officer of the Glenn County Air Pollution Control District.

(d) Air Contaminant. Includes smoke, dust, charred paper, soot, grime, carbon, noxious acids, fumes, gases, odors, or particulate matter, or any combination thereof.

(e) Alteration. Any addition to, enlargement of, replacement of, or any major modification or change of the design, capacity, process, or arrangement, or any increase in the connected loading of, equipment or control apparatus, which will significantly increase or effect the kind or amount of air contaminants emitted.

(f) Atmosphere. The air that envelops or surrounds the earth. Where air pollutants are emitted into a building not designed specifically as a piece of air pollution control equipment, such emission into the building shall be considered to be an emission into the atmosphere.

(g) Board. "Board" means the Air Pollution Control Board of the Air Pollution Control District of Glenn County. The County Board of Supervisors is ex officio the Air Pollution Control Board of Glenn County.

(h) Burn and No Burn Days. A "No-Burn Day" means any day on which the California Air Resources Board or the Air Pollution Control Officer prohibits agricultural burning. A "Burn Day" means any day on which the California Air Resources Board does not prohibit agricultural burning, and the responsible fire agency does not prohibit burning under Section 18 of these Regulations.

(i) Brush Treated. "Brush Treated" means that the material to be burned has been felled, crushed or uprooted with mechanical equipment, or has been desiccated with herbicides.

(j) Combustible Waste. "Combustible Waste" means any solid or liquid combustible refuse material containing carbon in a free or combined state.

(k) Combustible Waste of A Single or Two Family Dwelling. Combustible waste produced by one or two families, including such items as lawn clippings, shrub and tree trimmings from around the yard, and the normal accumulation of paper and other items from within the home, but excluding garbage, demolition debris, tires, car bodies and parts thereof, and similar material.

(l) Combustion Contaminant. Any contaminants discharged into the atmosphere from the burning of any material.

(m) Condensed Fumes. "Condensed Fumes" means minute solid particles generated by the condensation of vapors from solid matter after volatilization from the molten state, or may be generated by sublimation, distillation, calcination, or chemical reaction, when these processes create airborne particles.

(n) Control Officer. "Control Officer" means that Air Pollution Control Officer of the Air Pollutuion Control District of Glenn County.

(o) Day of Restricted Burning. A "Day of Restricted Burning" is a day declared by the Control Officer during which agricultural burning must be limited. Restricted burning days are declared on "Burn-Days" when it appears that, because of the volume of expected agricultural burning, smoke emissions will

cause the ambient air quality standards to be exceeded.

(p) District. "District" means the Air Pollution Control District of Glenn County.

(q) Dust. Minute solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, sweeping, etc.

(r) Emission. The act of passing into the atmosphere of an air contaminant or gas stream which contains an air contaminant, or the air contaminant so passed into the atmosphere.

(s) Emission Point. The place, located in a horizontal plane and verticle elevation, at which an emission enters the atmosphere.

(t) Flue. "Flue" means any duct or passage for air, gases, or the like, such as a stack or chimney.

(u) Forest Management Burning. "Forest Management Burning" means the use of open fires, as part of a forest management practice, to remove forest debris. Forest management practices include timber operations, silvicultural practices or forest protection practices.

(v) Garbage. "Garbage" means all kitchen and table refuse, and also every accumulation of matter that attends the preparation, consumption or storage of meats, fish, fowl or birds.

(w) Gasoline. "Gasoline" means any petroleum distillate having a Reid vapor pressure of four pounds or greater.

(x) Hearing Board. "Hearing Board" means the Hearing Board of the Air Pollution Control District of Glenn County as appointed by the Glenn County Air Pollution Control Board.

(y) Incineration. An operation in which combustion is carried on for the principal purpose, or with the principal result, of oxidizing a waste material to reduce its bulk or facilitate its disposal.

(z) Installation. The placement, assemblage or construction of equipment or control apparatus at the premises where the equipment or control apparatus will be used, and includes all preparatory work at such premises.

(aa) Open Burning in Agricultural Operations. Open Burning in Agricultural Operations means:

(1) The on farm use of open fires to dispose of materials produced wholly from operations in the growing and harvesting of crops or raising of fowl, animals or bees for the primary purpose of making a profit, of providing a livelihood, or of conducting agricultural research or instruction by an educational institution; and

(2) in connection with operations qualifying under subdivision (1):

(A) The burning of grass and weeds in or adjacent to fields in cultivation or being prepared for cultivation; and

(b) The burning of material not produced wholly from such operations, but which are intimately related to the growing or harvesting of crops and which are used in the field. Included in the definition are fertilizer and pesticide sacks or containers where the sacks or containers are emptied in the field, but such items as tires, petroleum products, and demolition debris are not included.

(bb) Open Fires. "Open Fires" means combustion of any combustible waste or other material of any type outdoors in the open air not in any enclosure, where the products of combustion are not directed through a flue.

(cc) Orchard or Citrus Grove Heater. "Orchard or Citrus Grove Heater" means any article, machine, equipment, bowl burner, or other contrivance, burning any type of fuel, capable of emitting air contaminants, used or capable of being used for the purpose of giving protection from frost damage in areas not completely enclosed. The word "Orchard" includes plant nurseries.

(dd) Owner. "Owner" includes but is not limited to any person who leases or supervises equipment, in addition to the normal meaning of ownership.

(ee) Particulate Matter. Any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions.

(ff) Person or Persons. An individual, public or private corporation, political subdivision, agency, board, department, or bureau of the State or any municipality, partnership, co-partnership, firm, association, trust, or estate, or any other legal entity whatsoever which is recognized in law as the subject of rights and duties.

(gg) PPM. Parts per million by volume expressed on a dry gas basis.

(hh) Populated Area. "Populated Area" means any part of the District which contains in excess of 500 people per square mile.

(ii) Process Weight Per Hour. The total weight, including contained moisture, of all materials introduced into any specific process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. The "process weight per hour" will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

(jj) Range Improvement Burning. "Range Improvement Burning" means the use of open fires to remove vegetation for wildlife, game or livestock habitat or for the initial establishment of an agricultural practice on previously uncultivated land.

(kk) Reduction. "Reduction" means any heated process, including rendering, cooking, drying, dehydrating, digesting, evaporating, and protein concentrating of any animal matter not intended for human consumption.

(ll) Silvicultural. "Silvicultural" means the establishment, development, care and reproduction of stands of timber.

(mm) Standard Conditions. As used in these Regulations, refers to a gas temperature of sixty (60) degrees Fahrenheit and a gas pressure of fourteen and seven-tenths (14.7) pounds per square inch absolute.

(nn) Standard Cubic Foot of Gas. The amount of gas that would occupy a volume of one (1) cubic foot, if free of water vapor, at standard conditions.

(oo) Timber Operations. "Timber Operations" means cutting or removal of timber or other forest vegetation.

(pp) Total Reduced Sulfur (TRS). Total reduced sulfur contained in hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide or other organic sulfide compounds, all expressed as hydrogen sulfide. Sulfur dioxide, sulfur trioxide, or sulfuric acid are not to be included in the determination of TRS.

(qq) Variance. An authorization by the Hearing Board to permit some act contrary to the requirements specified by these Regulations.

(15.0)
Section 3. ENFORCEMENT. These Regulations shall be enforced by the Air Pollution Control Officer under direction of the Board and under authority of the Health and Safety Code, Sections 24224 (b), 24260, 24260.5, 24261 and 24262: and by all officers named by the Air Pollution Control Board and empowered by Section 24221. Persons authorized to enforce these Regulations are authorized to arrest without warrant as provided in Section 836.5 of the California Penal Code.

Section 3.1 For the purpose of enforcing or administering these Regulations, the Air Pollution Control Officer or an authorized representative of such officer, upon presentation of his credentials, or if necessary under the circumstances, after obtaining an inspection warrant pursuant to Title 13, (commencing with Section 1822.50), Part 3 of the Code of Civil Procedure, shall have the right of entry to any premises on which an air pollution emission source is located for the purpose of inspecting such source, including securing samples of emissions therefrom, or any records required to be maintained in connection therewith by the Air Pollution Control District.

(2.0)
Section 4. VALIDITY. If any regulations, rule, subdivision sentence, clause or phrase of these Regulations is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of these Regulations. The Air Pollution Control Board hereby declares that it would have adopted these Regulations and every rule, subdivision, sentence, clause, and phrase thereof, irrespective of the fact that any one or more regulations, rules, subdivisions, sentences, clauses, or phrases be declared unconstitutional or invalid.

(2.0)
Section 5. EFFECTIVE DATE. These Regulations shall take effect immediately upon adoption.

ARTICLE II AGRICULTURAL BURNING

(51.13)
Section 10. AGRICULTURAL BURNING PERMITS. No person knowingly shall set or permit agricultural burning unless he has a valid permit from the local agency designated in Section 21 of these Regulations, and conducts such burning under conditions set forth in such permit. An agricultural burning permit shall be valid for the calendar year for which issued, unless cancelled or an earlier date of expiration is specified on the permit.

(13.0)
Section 11. REPORTS. Each person who holds a valid agricultural burning permit shall submit a report to the Air Pollution Control Officer by the tenth of the month following the month in which the agricultural burning permit was valid. The report required by this section shall be made monthly, even if no burning is actually performed, for as long as the permit remains valid. The report shall be on a form supplied by the Control Officer and shall contain the name of the permittee, the date or dates the burning was performed, the kind of waste burned, the acres or tons of waste burned, and such other information as may be required by the Control Officer. In addition to other penalties of law, the Control Officer may order the cancellation of any agricultural burning permit if the permittee fails to submit the report or reports required by this section. The Control Officer may limit the duration of agricultural burning permits of persons who fail to submit their reports as required. The Control Officer may also require that requests for future agricultural burning permits be denied until such time as the report or reports required by this section are submitted. It is unlawful for anyone to submit a false report.

(51.13)
Section 12. HOURS OF BURNING. Permits issued for agricultural burning pursuant to Section 10 shall restrict the ignition of fires to the period(s) between 8:00 A.M. local time and 5:00 P.M. local time; except rice straw burning for which said period shall be the period between 10:00 A.M. and 5:00 P.M. local time. No person shall knowingly ignite, or permit to be ignited, any fire for the purpose of agricultural burning except during these hours.

(51.13)
Section 13. NO-BURN DAYS. No person shall knowingly set or permit agricultural burning on days within a period prohibited by the California Air Resources Board pursuant to Section 39298 of the Health and Safety Code, nor on "No-Burn Days" declared by the Control Officer pursuant to Section 15 of these Regulations.

(51.13)
Section 14. PREPARATION OF MATERIAL TO BE BURNED. Materials to be disposed of by open fires in agricultural operations shall be dry enough to assure complete combustion, and shall be free from extraneous materials. The following are minimum standards for the preparation of material to be disposed of by open fires in agricultural operations.

(a) Material to be burned shall be free of extraeous materials including, but not limited to, tires, rubbish, tar paper, and construction debris.

(b) Material to be burned shall be arranged so that it will burn with a minimum of smoke; and, except for large trees and refuse from clover harvesting, only that amount that can reasonably be expected to completely burn within the following twenty-four (24) hours shall be ignited on any one day.

(c) Material to be burned shall be reasonably free of dirt, soil, and visible surface moisture.

(d) To lower the moisture content of material to be burned by open fires in agricultural operations, the elasped time between cutting and burning shall be:

(1) A minimum of three (3) days for stubble, except rice straw. (See 14.3).

(2) A minimum of five (5) days for trees, stumps, and large branches greater than six (6) inches in diameter, and such time necessary to assure rapid and complete combustion with a minimum of smoke.

(3) Sufficient time for other material such as orchard prunings, small branches, stubble, vegetable tops and seed screenings to assure rapid and complete combustion with a minimum of smoke.

(4) The Control Officer may by permit authorize open burning in agricultural operations in shorter times if the denial of such permit would threaten imminent and substantial economic loss.

(51.13)
Section 14.1. RANGE IMPROVEMENT BURNING. In addition to the general agricultural burning requirements of this Article, range improvement burning shall be performed in compliance with the following:

(a) Only approved ignition devices shall be used for the ignition of fires used in range improvement burning. The Air Pollution Control Officer shall prepare and publish a list of devices that he has approved for the purpose of igniting fires used in range improvement burning.

(b) Fires used in range improvement burning shall be ignited as rapidly as possible consistant with applicable fire control restrictions.

(c) Range improvement burning shall not be performed when the ground wind speed exceeds eight (8) miles per hour in the direction of any populated area within one mile of the burn.

(d) Brush to be disposed of during a range improvement burn shall be treated at least six months prior to the burn. The Air Pollution Control Officer may, by permit, authorize range improvement burning of brush without the required treatment if he finds that it is not economically and technically feasible.

(e) Unwanted trees over six inches in diameter shall be felled and dried for thirty (30) days prior to a range improvement burn.

(f) No range improvement burning shall be done primarily for improvement of land for wildlife and game habitat unless prior to the burn the permit applicant files with the Air Pollution Control Officer, a statement from the Department of Fish and Game certifying that the burn is desirable and proper.

(51.13)
Section 14.2. FOREST MANAGEMENT BURNING. In addition to the general agricultural burning requirements of this Article, forest management burning shall be performed in compliance with the following:

(a) Only approved ignition devices shall be used for the ignition of fires used in forest management burning. The Air Pollution Control Officer shall prepare and publish a list of devices that he has approved for the purpose of igniting fires used in forest management burning.

(b) Fires used in forest management burning shall be ignited as rapidly as possible consistant with applicable fire control restrictions.

(c) Forest management burning shall not be performed when the ground wind speed exceeds eight (8) miles per hour in the direction of any populated area within one mile of the burn.

(d) Waste to be disposed of by forest management burning shall not be burned within thirty (30) days of cutting.

(e) Waste to be disposed of by forest management burning shall be free of tires, rubbish, tar paper and construction debris.

(f) Waste to be disposed of by forest management burning shall be windrowed or piled, unless good silvicultural practice dictates otherwise.

(g) Waste to be disposed of by forest management burning shall be reasonably free of dirt and soil, and so piled or prepared that it will burn with a minimum of smoke.

(51.13)
Section 14.3. RICE STRAW BURNING. In addition to the general agricultural burning requirements of this article, rice straw burning shall be performed in compliance with the following:

(a) All rice harvesters shall employ a mechanical straw spreader to insure even distribution of the straw, except that rice straw may be left in rows providing it meets drying time criteria prior to a burn as described in (c) of this Section.

(b) No spread rice straw shall be burned prior to a three (3) day drying time after harvest.

(c) No rowed rice straw shall be burned prior to a ten (10) day drying time after harvest.

(d) Rice straw rowed or spread may be burned prior to the 10 or 3 day drying period if the straw makes an audible crackle when tested just prior to burning with the testing method described in (f) below of this Section.

(e) After a rain exceeding .15 inch (fifteen hundredths of an inch), rice straw shall not be burned unless the straw makes an audible crackle when tested just prior to burning with the testing method described in (f) below of this Section.

(f) When testing field for moisture, the person responsible for the fire or his agent shall test a composite sample of straw from under the mat, in the center of the map and from different areas of the field to insure a representative sample.

The composite handful of straw shall be grasped in both hands and bent sharply. If the straw makes an audible crackle when bent sharply the straw has passed the test.

(g) Rice stubble is to be ignited only by strip firing into the wind or by backfiring except where and when extreme fire hazards are declared to exist.

(51.13)
Section 15. ACREAGE LIMITATION. On any day that the control Officer determines that the volume of expected agricultural burning is such that:

(a) The ambient air quality standards will be exceeded; or

(b) That an acreage equivalent to more than ten (10) percent of the District's largest cultivated crop will be burned; or

(c) That more than five (5) percent of the rice straw acreage will be burned during the October 1 through November 1 period of each year, he may declare a "Day of Restricted Burning". On a day of restricted burning the control officer shall declare it to be a "No Burn Day" in a sufficient portion of the District, or require a call-in before rice straw burning takes place, to prevent (a), (b), or (c) from occurring.

(2.0)
Section 16. EXCEPTIONS. The following are exempt from these Regulations:

(a) Agricultural burning above 6,000 feet mean sea level.

(b) Open burning in agricultural operations above 3,000 feet mean sea level.

(c) Open burning in agricultural operations with LPG or natural gas fired burners designed and used to kill seedling grass and weeds in orchards and field crops, and the growth is such that combustion will not continue without the burner.

(d) The open burning of pesticide and fertilizer sacks provided they fall within the definition of open burning in agricultural operations as defined in Section 2 (aa) of these Regulations.

(51.13)
Section 17. TIRES. No person shall use tires for the purpose of igniting open fires used in agricultural burning.

(51.13)
Section 18. FIRE PREVENTION. Nothing in these Regulations are intended to permit open burning of agricultural wastes on days when such open burning is prohibited by public fire protection agencies for purposes of fire control or prevention.

(51.13)
Section 19. BURNING ON NO-BURN DAYS. The District may by permit authorize burning of agricultural waste on days designated by the California Air Resources Board as "NO-BURN DAYS" or during hours not permitted by these Regulations, because the denial of such permit would threaten imminent and subtanitial economic loss.

(51.1)
Section 20. ORCHARD HEATERS. The following applies to burning in orchards and citrus groves to prevent frost damage:

(a) No new orchard or citrus grove heater shall be sold for use against frost damage unless it has been approved by the California Air Resources Board.

(b) No person shall use any orchard or citrus grove heater after January 1, 1975, unless it has been approved by the California Air Resources Board or does not produce more than one gram per minute of unconsumed solid carbonaceous material.

(c) Open fires in orchards or citrus groves are prohibited except that the use of commercially prepared charcoal briquettes or similar substances designed for the purpose is permitted.

(d) The use of rubber tires or any rubber products in any combustion process in connection with any orchard or citrus grove heating is prohibited.

(3.0)
Section 21. FIRE PERMIT DISTRICTS.

(a) The California State Air Resources Board is requested to designate the following agencies to issue agricultural burning permits within their respective jurisdictions:

(1) California Division of Forestry (April 1 through December 1)
(2) United States Forest Service
(3) Artois Fire District
(4) Bear Valley-Indian Valley Fire District
(5) Codora-Glenn Fire District
(6) Elk Creek Fire District

(7) Glenn-Colusa Fire District
(8) Hamilton-Bayliss Fire District
(9) Kanawha Fire District
(10) Ord Fire District
(11) Orland Fire District
(12) Willows Fire District

(b) The California State Air Resources Board is requested to designate the Glenn County Sheriff's office as an agency to issue agricultural burning permits in all areas not subject to fire protection by the above named agencies.

(c) The California State Air Resources Board is requested to designate the Glenn County Air Pollution Control District as an agency to issue agricultural burning permits in all parts of Glenn County. The District shall not exercise this authority until written authorization is given by the responsible fire protection agency.

Section 21.1 No person shall issue an agricultural burning permit until he has received instructions from the Glenn County Air Pollution Control District in the regulations of the District.

(3.0)
Section 22. PERMIT FORM. Permits issued pursuant to Section 10 shall be in the following form:

_____FIRE DISTRICT No._____

COUNTY OF GLENN, STATE OF CALIFORNIA

BURNING PERMIT

Date of Issue_____ Expiration Date_____

Issued to_____

Address_____

Location of Burn_____

_____ Sec. Twp. R.

Type of Burn: ☐ Incinerator ☐ Dooryard

☐ Right-Of-Way ☐ Agricultural

☐ Other_____

A call to the Fire Department (is) (is not) required before burning.

Burning permitted only during the following hours:____a.m. to _____p.m.

The permittee shall have____ able bodied persons present at time of burning

No burning if wind exceeds___m.p.m.

No flamable materials to be within 10 feet of incinerators.

Additional restrictions:_____

_____

This Portion applies to AGRICULTURAL BURNING ONLY

Type of agricultural waste_____

Number of Acres_____or Tons_____

Agricultural Burning is permitted only on BURN DAYS as declared by the State Air Resources Board. This permit is not valid for Agricultural Burning on NO BURN DAYS.

A report of the acres or tons burned daily must be submitted to the Glenn County Air Pollution Control District as required by the Air Pollution Control regulations.

Any violation of terms of permit renders permit null and void.
This permit may be suspended by the Fire District or the State Forester at time of critical fire conditions.

Signed_____ Issued by_____

Title_____

(2.0)
Section 23. The Air Pollution Control Officer may cancel or alter the conditions on any agricultural burning permit issued when he deems it necessary to prevent excessive air pollution within the District.

(2.0)
Section 24. Notwithstanding any other provisions of this Article, no agricultural burning is permitted for the purpose of disposing of combustible waste if such waste is the by-product of any process which occurs after harvest.

ARTICLE III

CONSTRUCTION AUTHORIZATION AND REGISTRATION

(2.0)
Section 50. AUTHORIZATION TO CONSTRUCT.

(a) Any person building, erecting, altering or replacing any article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, shall first obtain a written "authorization to construct" for such construction from the Air Pollution Control Officer.

(b) The Air Pollution Control Officer shall not approve such construction unless the applicant demonstrates to the satisfaction of the Air Pollution Control Officer that the source can be expected to comply with all applicable state and district regulations.

(2.0)
Section 51. STANDARDS FOR GRANTING AUTHORITY TO CONSTRUCT.

(a) Before an Authorization to Construct is granted, the Air Pollution Control Officer may require the applicant to provide such facilities as necessary for sampling and testing purposes in order to secure information that will disclose the nature, extend, quantity or degree of air contaminants discharged into the atmosphere from the equipment described in the Authorization To Construct. In the event of such a requirement, the Air Pollution Control Officer is required to notify the applicant in writing of the required size, number and location of sampling holes; the size and location of the sampling platform; and the utilities for operating the sampling and testing equipment. The platform and access shall be constructed in accordance with the General Industry Safety Orders of the State of California.

(b) The fact that an Authorization To Construct or modify an article, machine, equipment or other contrivance described therein shall have been issued by the Air Pollution Control Officer shall not be an endorsement of such article, machine, or other contrivance nor shall it be deemed or construed to be a warranty, guarantee or representation on the part of the Air Pollution Control Officer that emission standards may not be exceeded by such article, machine, equipment or other contrivance. In every instance the person, firm, or corporation to whom such authorization is issued shall be and remain

responsible under these regulations for each and every instance wherein emission standards are exceeded by the article, machine, equipment or other contrivance described in the Authorization, and the fact of issuance of authorization shall not be a defense to or mitigation of any charge of violation.

(2.0)
Section 52. CONDITIONAL APPROVAL. The Air Pollution Control Officer may issue an Authorization To Construct subject to conditions which will bring the operation of any article, machine, equipment or other contrivance within the standards in which case the conditions shall be specified in writing. Commencing work under such an Authorization to Construct shall be deemed acceptable of all conditions so specified. The Air Pollution Control Officer shall issue an Authorization to Construct with revised conditions upon receipt of a new application, if the applicant demonstrates that the article, machine, equipment or other contrivance can operate within the standards under the revised conditions.

(3.0)
Section 53. DENIAL OF APPLICATIONS. In the event of denial of Authorization To Construct the Air Pollution Control Officer shall notify the applicant in writing of the reasons therefore. Service of this notification may be made in person or by mail, and such service may be proved by the written acknowledgement of the persons served. The Air Pollution Control Officer shall not accept further application unless the applicant has complied with the objections specified by the Air Pollution Control Officer as his reasons for denial of the Authorization To Construct.

(3.0)
Section 54. ACTION ON APPLICATIONS. The applicant may deem the authority to construct approved if the Air Pollution Control Officer fails to act on the application within thirty (30) days after filing.

(2.0)
Section 55. APPEALS. Within ten (10) days after notice by the Air Pollution Control Officer of denial or conditional approval of an Authorization To Construct the applicant may petition the Hearing Board, in writing, for a public hearing. The Hearing Board, after notice and a public hearing held within thirty (30) days after filing the petition, may sustain or reverse the action of the Air Pollution Control Officer; such order may be made subject to specified conditions.

(2.0)
Section 56. OPERATION. No person shall operate any article, machine, equip-

ment or other contrivance for which an Authorization To Construct is required by Section 50 if such article, machine, equipment or other contrivance is not in fact constructed in accordance with the Construction Authorization.

(14.0)
Section 57. PUBLIC INFORMATION. The Air Pollution Control Officer shall, when requested, make available to the pbulic for examination all information and data compiled by or submitted to him in the performance of his duties except data deemed to be "trade secrets" by application of Section 6254.7 (d) of the Government Code.

(2.0)
Section 58. EXEMPTIONS. An Authorization To Construct or a Permit To Operate shall not be required for:

(a) Vehicles as defined by the Vehicle Code of the State of California, but not including any article, machine, equipment or other constrivance mounted on such vehicle that would otherwise require an Authorization To Construct under the provisions of these Regulations.

(b) Vehicles used to transport passengers or freight.

(c) Equipment utilized exclusively in connection with any structure, which structure is designed for and used exclusively as a dwelling for not more than two (2) families.

(d) The following equipment:

(1) Comfort air conditioning or comfort ventilating systems which are not designed to remove air contaminants generated by or released from specific units or equipment.

(2) Refrigeration units except those used as, or in conjunction with, air pollution control equipment.

(3) Piston-type internal combustion engines.

(4) Water cooling towers and water cooling ponds not used for evaporative cooling of process water or not used for evaporative cooling of water from barometric jets or from barometric condensers.

(5) Equipment used exclusively for steam cleaning.

(6) Presses used exclusively for extruding metals, minerals, plastics, or wood.

(7) Incinerators when used for burning of combustible waste of a single or two family dwelling.

(8) Brazing, soldering, or welding equipment.

(e) Space Heaters.

(f) Equipment used in eating establishments for the purpose of preparing food for human consumption.

(g) Steam heated by natural gas or LPG, or both.

(h) Self-propelled mobile construction equipment other than pavement burners.

(i) The on farm use of implements of husbandry.

(j) Containers, reservoirs, or tanks used exclusively for:

(1) Storage of liquefied gases.

(2) The storage of fuel oils with a gravity of 40^{0} API or lower.

(3) The storage of lubricating oils.

(4) The storage of gasoline having a capacity of less than 250 gallons.

(k) Structural changes which cannot change the quality, nature or quantity of air contaminant emissions.

(l) Identical replacements in whole or in part of any article, machine, equipment or other contrivance.

(m) Repairs or maintenance not involving structural changes to any article, machine, equipment or other contrivance.

(n) Other sources of minor significance specified by the Air Pollution Control Officer.

ARTICLE IV PROHIBITIONS

(2.0)
Section 75. PROHIBITIONS UNDER STATE LAW. The provisions of Article 3, Chapter 2, Division 20 of the State of California Health and Safety Code, entitled "Prohibitions", are applicable within the boundaries of the Glenn County Air Pollution Control District.

(50.1.2)
Section 76. VISIBLE EMISSIONS. A person shall not discharge into the atmosphere from any single source of emission whatsoever, any air contaminant for a period or periods aggregating more than three minutes in any one hour which is:

(a) As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines, or

(b) of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection "a" above.

(2.0)
Section 77. EXCEPTIONS. The provisions of Section 76 do not apply:

(a) Smoke from fires set by or permitted by any public officer if such fire is set or permission given in the performance of official duty of such officer, and such fire in the opinion of such officer is necessary:

1. For the purpose of the prevention of a fire hazard which cannot be abated by any other means, or

2. for the instruction of public employees in the methods of fighting fires.

(b) Smoke from fires set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire.

(c) Agricultural operations.

(d) Orchard or citrus grove heaters which do not produce unconsumed solid carbonaceous matter at a rate in excess of one (1) gram per minute.

(e) The use of other equipment in agricultural operations in growing of crops, or raising of fowl or animals.

(f) Smoke from fires set for the disposal of solid waste at dump sites operating under permit from the Air Resources Board pursuant to Section 39297.4 of the Health and Safety Code.

(50.7)
Section 78. NUISANCE. A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendancy to cause injury or damage to business or property. Air contaminants shall not be declared a nuisance except by a court of competent jurisdiction.

(2.0)
Section 79. EXCEPTIONS. The provisions of Section 78 do not apply to agricultural operations in the growing of crops or raising of fowl or animals.

(51.13)
Section 80. OPEN FIRES. No person shall, after December 31, 1971, use open fires for the purpose of disposal of petroleum wastes, demolition debris, tires, tar, trees, wood waste, or other combustible or flammable solid or liquid waste; or for metal salvage or burning of automobile bodies.

(2.0)
Section 81. EXCEPTIONS. The provisions of Section 80 do not apply to:

(a) Fires set or permitted by any public officer when such fire is, in his opinion, necessary for any of the following purposes:

1. For the purpose of the prevention of a fire hazard which cannot be abated by any other means, or

2. the instruction of public employees in the methods of fighting fire,

3. set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in the methods of fighting fires.

(b) The setting of backfires necessary to save life or valuable property pursuant to Section 4426 of the Public Resources Code.

(c) Abatement of fires pursuant to Chapter 2, (commencing with Section 13025), of Part 1 of Division 12 of the California Health and Safety Code.

(d) The burning for disposal of combustible waste, except garbage, of a single or two family dwelling on the premises of the dwelling.

(e) Burning for right-of-way clearing by a public entity or utility or for levee, reservoir and ditch maintenance, except that a permit must be obtained and all the requirements for Agricultural Burning in Article II, must be followed just as if the burning was open burning in agricultural operations.

(f) Fires used to dispose of unusable wood waste from trees, vines, or shrubs only on the property where grown and <u>being developed for commercial or residential purposes</u> may be authorized by the Air Pollution Control Officer under the following minimum conditions, and under any more stringent conditions, which he may specify to maintain the ambient air quality in the District:

1. A permit for such burning shall be issued by the Air Pollution Control Officer prior to time of ignition. No such permit shall be issued unless satisfactory evidence has been submitted by the applicant to prove the following:

   (a) That the proposed burn shall not create a nuisance.

   (b) That the proposed burn is approved by the Fire Protection Agency having jurisdiction.

   (c) That the moisture content of the wood waste is low enough to insure a clean burn.

2. The wood waste shall be prepared and burned so as to minimize emissions to the atmosphere. This shall include but not necessarily be limited to the following:

   (a) The wood waste shall be reasonably free of dirt, mud and soil.

   (b) The wood waste shall be free of extraneous materials including, but not limited to tires, tar paper, plastics, and demolition debris.

   (c) The wood waste shall be stacked or piled so as to insure quick ignition and clean, efficient burning.

(d) Only approved ignition devices, as published by the Air Pollution Control Officer, shall be used for ignition of fires.

(e) If economically and technically feasible, brush shall be treated at least six months prior to burning.

(f) Unwanted trees over six (6) inches in diameter at the base shall be felled and dried for thirty (30) days prior to burning.

(3) The burning shall be done only on permissive burn days as declared by the State Air Resources Board.

(4) If either condition (a) or (b) of Section 15 of these Regulations is expected to occur, the Air Pollution Control Officer may declare a "No-Burn Day" under the provisions of Section 15.

(5) It is unlawful to dispose of wood waste by open burning on a "No Burn Day" as declared by either the Air Resources Board or the Control Officer.

(g) Fires used only for the cooking of food for human consumption or set and used wholly for recreational purposes.

(h) Fires set for the disposal of solid waste at dump sites operating under permit from the Air Resources Board pursuant to Section 39297.4 of the Health and Safety Code.

(51.9)
Section 82. BURNING OF GARBAGE. Not withstanding any other provisions of these Regulations, the open burning of garbage is prohibited within the boundaries of the District at any time unless such burning is authorized by the Glenn County Health Officer for public health protection, or is done at a dump site operating under permit from the Air Resources Board pursuant to Section 39297.4 of the Health and Safety Code.

(51.16)
Section 83. GASOLINE STORAGE TANKS. No new gasoline storage tank with a capacity of 250 gallons or more shall be installed unless it is equipped with a permanent submerged fill pipe as described in Section 39068.2, Health and Safety Code, or unless such tank is a pressure tank as described in Section 39068.3, Health and Safety Code, or is equipped with a vapor recovery system as described in Section 39068.4, Health and Safety Code, or with a floating roof as described in Section 39068.5, Health and Safety Code.

(2.0)
Section 84. EXCEPTION. Section 83 shall not apply to any stationary tank which is used primarily for the fueling of implements of husbandry, as such vehicles are defined in Division 16 of the Vehicle Code.

(50.1)
Section 85. PARTICULATE MATTER CONCENTRATION. Except for emissions from agricultural operations constructed prior to the enactment of these Regulations, no person shall discharge into the atmosphere from any source particulate matter in excess of 0.3 grains per cubic foot of gas at standard conditions. When the source involves a combustion process, the concentration must be calculated to 12 percent carbon dioxide (CO_2). In measuring the combustion contaminants from incinerators used to dispose of combustible refuse by burning, the carbon dioxide (CO_2) produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation to 12 percent of carbon dioxide (CO_2).

(50.1.1)
(50.6)
Section 86. DUST AND FUMES TOTAL EMISSIONS. Except for emissions from agricultural operations constructed prior to the enactment of these Regulations, no person shall discharge in any one hour from any source dust or fumes in total quantities in excess of the amounts shown in the following table:

ALLOWABLE RATE OF EMISSION BASED ON PROCESS WEIGHT RATE

Process Weight Rate		Rate of Emission	Process Weight Rate		Rate of Emission
Lb/Hr.	Tons/Hr.	Lb/Hr.	Lb/Hr.	Tons/Hr.	Lb/Hr.
100	0.05	0.551	16,000	8.00	16.5
200	0.10	0.887	18,000	9.00	17.9
400	0.20	1.40	20,000	10.	19.2
600	0.30	1.83	30,000	15.	25.2
800	0.40	2.22	40,000	20.	30.5
1,000	0.50	2.58	50,000	25.	35.4
1,500	0.75	3.38	60,000	30.	40.0
2,000	1.00	4.10	70,000	35.	41.3
2,500	1.25	4.76	80,000	40.	42.5
3,000	1.50	5.38	90,000	45.	43.6
3,500	1.75	5.96	100,000	50.	44.6
4,000	2.00	6.52	120,000	60.	46.3
5,000	2.50	7.58	140,000	70.	47.8
6,000	3.00	8.56	160,000	80.	49.0
7,000	3.50	9.49	200,000	100.	51.2
8,000	4.00	10.4	1,000,000	500.	69.0
9,000	4.50	11.2	2,000,000	1,000.	77.6
10,000	5.00	12.0	6,000,000	3,000	92.7
12,000	6.000	13.6			

To use the table, take the process weight per hour as such is defined in Section 2 of these Regulations. Then find this figure on the table, opposite which is the maximum number of pounds of contaminants which may be dishcarged into the atmopshere in any one hour. As an example, if A has a process which emits contaminants into the atmosphere and which process takes 4 hours to complete, he will divide the weight of all materials in the specific process, in this example, 2,400 lbs. by 4 giving a process weight per hour of 600 lbs. The table shows that A may not discharge more than 1.83 lbs. in any one hour during the process. Interpolation of the data in the table for process weights up to 60,000 pounds/hour shall be accomplished by use of the equation:

$$E = 4.10\ P^{0.67}$$

and interpoltation and extrapolation of the data for process weight rates in excess of 60,000 pounds/hour shall be accomplished by use of the equation:

$$E = 55.0\ P^{0.11} - 40$$

E = Rate of emission in pounds/hour.

P = Process weight rate in tons/hour.

(51.21)
Section 87. REDUCTION OF ANIMAL MATTER.

(a) No person shall operate or use any article, machine, equipment or other contrivance for the reduction of animal matter unless all gases, vapor and gas-entrained effluents from such an article, machine, equipment or other contrivance are:

1. incinerated at temperatures of not less than 1200 degrees Fahrenheit for a period of not less than 0.3 second; or

2. processed in such a manner determined by the Air Pollution Control Officer to be equally, or more, effective for the purpose of air pollution control than (a) above.

(b) A person incinerating or processing gases, vapors or gas-entrained effluents pursuant to this Regulation shall provide, properly install and maintain in calibration, in good working order and in operation devices for indicating temperature, pressure or other operating conditions.

(2.0)
Section 88. EXCEPTIONS. The provisions of Section 87 shall not apply to any article, machine, equipment or other contrivance used exclusively for the processing of food for human consumption. Dead animals on farm are considered agricultural waste.

(50.2)
Section 89. SULFUR OXIDES. No person shall discharge into the atmosphere from any single source of emission whatsoever, any sulfur oxides in excess of 0.2 percent by volume (2000 ppm) collectively calculated as sulfur dioxide (SO_2).

(50.2)
Section 90. REDUCED SULFUR EMISSION STANDARDS. No person shall cause or permit the emission of air contaminants from any premises which will result in ground-level concentrations of TRS, expressed as hydrogen sulfide, in excess of 0.03 ppm for a period of 60 minutes.

(51.9)
Section 91. INCINERATOR BURNING. Except as otherwise provided by Sections 80 and 81 of these Regulations, no person shall burn any combustible waste within the boundries of the Glenn County Air Pollution Control District unless the burning is performed in an incinerator from which the combustion products pass through a flue or chimney. The smoke or other emissions from such incinerator burning must meet the visible emissions requirements as provided in Section 76 of these Regulations.

(50.7)
Section 92. LEAD. (Standards for lead emissions will be adopted at a later date).

(2.0)
Section 93. CIRCUMVENTION.

(a) No person shall build, erect, install, or use any article, machine, equipment or other contrivance, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere, reduces or conceals an emission which would otherwise constitute a violation of the Health and Safety Code of the State of California or of these Regulations. This Regulation shall not apply to cases in which the only violation involved is of Section 78 of these Regulations.

(b) When the presence of uncombined water is the only reason for the failure of an emission to meet the limiation of Section 76,

that Regulation shall not apply. The burden of proof which establishes the application of the Regulation, shall be upon the person seeking to come within its provisions.

(2.0)
Section 94. SEPARATION OF EMISSIONS. If air contaminants from a single source operation are emitted through two or more emission points, the total emitted quantity of any air contaminant limited in this Regulation cannot exceed the quantity which would be the allowable emission through a single emission point, the total emitted quantity of any such air contaminant shall be taken as the product of the highest concentration measured in any of the emission points and the combined exhaust gas volume from all emission points, unless the person responsible for the source operation establishes, to the satisfaction of the Air Pollution Control Officer, the correct total emitted quantity.

(2.0)
Section 94.1 COMBINATION OF EMISSIONS.

(a) If air contaminants from two or more source operations are combined prior to emission and there are adequate and reliable means reasonably susceptible to confirmation and use by the Air Pollution Control Officer for establishing a separation of the components of the combined emission to indicate the nature, extent, quantity and degree of emission arising from each such source operation, then all of the applicable prohibitions shall apply to each such source operation separately.

(b) If air contaminants from two or more source operations are combined prior to emission, and the combined emissions cannot be separated according to the requirements of Part A of the prohibition, then all applicable prohibitions shall be applied to the combined emission as if it originated in a single source operation, subject to the most stringent limitations and requirements placed by these prohibitions on any of the source operations whose air contaminants are so combined.

(9.0)
Section 95. ANALYSIS REQUIRED. The Board at any time may require from any person such information or analysis as will disclose the nature, extent, quantity or degree of air contaminants which are or may be discharged by such source, and may require that such disclosures be certified by a professional engineer registered in the State. In the event the findings show that no excess contaminants are in fact being discharged, then the Air Pollution Control District shall be responsible for the entire cost of the investigation.

(2.0)
Section 95.1 (a) Except for agricultural operations constructed prior to the enactment of these Regulations, the owner or operator of any stationary source causing emissions in excess of 100 tons per year of any pollutant for which there is a national air quality standard, or which causes emissions in any amount from those sources listed in Appendix C of 40 Code of Federal Regulations, Part 51, shall maintain records of the nature and amounts of emissions from such source and/or any other information as may be deemed necessary by the Air Pollution Control Officer to determine whether such source is in compliance with these Regulations.

(b) The information recorded shall be summarized and reported to the Air Pollution Control Officer on forms furnished by the District, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1 through June 30, and July 1, through December 31.

(c) Information recorded by the owner or operator and copies of the summarizing reports submitted to the Air Pollution Control Officer shall be retained by the owner or operator for two years after the date on which the pertinent report is submitted.

(5.0)
Section 96. VARIANCES. The provisions of this Article do not prohibit the discharge of air contaminants to a greater extend or for a longer time, or both, if not of a greater extent or longer time than the Hearing Board finds necessary pursuant to the provisions of Article 5, Chapter 2, Division 20 of the California Health and Safety Code.

(2.0)
Section 97. EXCEPTIONS. The Hearing Board is not empowered to grant variances for:

(a) Emissions which result in a nuisance prohibited by Section 78 of these Regulations.

(b) Emissions resulting from open fires prohibited by Sections 80 and 81 of these Regulations.

ARTICLE V HEARING BOARD

(2.0)
Section 110. APPLICABLE ARTICLES OF THE HEALTH AND SAFETY CODE.

(a) A hearing board shall be chosen and appointed by the County Air Pollution Control Board as specified in Section 24225 (a), California Health and Safety Code except that if a vacancy occurs under Section 24225 (b) the Board may appoint anyone to fill the vacancy except employees of any city, county, state, or district.

(b) The provisions of Article 5 and Article 6, Chapter 2, Division 20, of the State of California Health and Safety Code, as amended, respectively entitled "Variances" and "Procedure", are incorporated herein by this reference.

(2.0)
Section 111. FILING PETITIONS. Requests for hearing shall be initiated by the filing of a petition in triplicate with the County Clerk, and the payment of the fee of Twenty-Five Dollars ($25.00) provided for in Section 150 of these Regulations. No fee shall be required for the filing of a petition by a public agency or a public officer acting in the scope of his official capacity.

(2.0)
Section 112. CONTENTS OF PETITIONS. Every petition shall state:

(a) The name, address and telephone number of the petitioner, or other person authorized to receive service of notices;

(b) Whether the petitioner is an individual, co-partnership, corporation or other entity; names and addresses of the partners if a co-partnership; names and addresses of the officers if a corporation; and the names and addresses of the persons in control, if other entity;

(c) The type of business or activity involved in the application, and the street address at which it is conducted;

(d) A brief description of the article, machine, equipment or other contrivance, if any, involved in the application;

(e) The section or rule under which the petition is filed; that is, whether petitioner desires a hearing;

1. For a variance under Section 24292, Health and Safety Code;

2. To revoke or modify a variance under Section 24298, Health and Safety Code;

3. To review the denial or conditional granting of an authorization to construct, under sections 54 and 55 of these Regulations.

(f) Each petition shall be signed by the petitioner, or by some person on his behalf; and where the person signing is not the petitioner, it shall set forth his authority to sign.

(5.0)
Section 113 PETITION FOR VARIANCES. In addition to the matters required by Section 112 petition for variance shall state briefly:

(a) The section, rule or order complained of.

(b) The facts showing why compliance with the section, rule or order is unreasonable.

(c) For what period of time the variance is sought and why.

(d) The damage or harm resulting, or which would result, to the petitioners from a compliance with such section, rule or order.

(e) The requirements which petitioner can meet and the date when petitioner can comply with such requirements.

(f) The advantages and disadvantages to the residents of the District resulting from granting a variance.

(g) Whether or not operations under such variance, if granted, would constitute a nuisance.

(2.0)
Section 114. APPEAL FROM DENIAL. A petition to review a denial or conditional approval of an authorization to construct shall, in addition to the matters required by Section 112 set forth a summary of the application, or a copy thereof; the alleged reasons for the denial or conditional approval; and the reasons for appeal.

(2.0)
Section 115. FAILURE TO COMPLY WITH RULES. The County Clerk shall not accept for filing any petition which does not comply with these Regulations relating to the form, filing, and service of petitions, unless the Chairman or any two members of the Hearing Board direct otherwise and confirm such direction in writing. Such direction

need not be made at a meeting of the Hearing Board. The Chairman or any two members, without a meeting may require the petitioner to state further facts or reframe a petition so as to disclose clearly the issues involved.

(2.0)
Section 116. DISMISSAL OF PETITION. The petitioner may dismiss his petition at any time before submission of the case to the Hearing Board, without a hearing or meeting of the Hearing Board. The County Clerk shall notify all interested persons of such a dismissal.

(16.0)
Section 117. PLACE OF HEARING. All hearings shall be held at Willows, the County Seat, unless some other place is designated by the Hearing Board.

(16.0)
Section 118. NOTICE OF HEARING.

(a) The County Clerk shall mail or deliver a notice of the time and place of a hearing to the petitioner, the Air Pollution Control Officer and upon the applicant, if any, not less than 10 days prior to such hearing.

(b) The County Clerk shall also send notice of the hearing to every daily newspaper of general circulation in the District and to every person who requests such notice. The notice shall contain the time and place of the hearing and such other information as may be necessary to reasonably apprise the people with the District of the nature and purpose of the meeting.

(2.0)
Section 119. EVIDENCE.

(a) Oral evidence shall be taken only on oath or affirmation.

(b) Each party shall have these rights: To call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination to impeach any witness regardless of which party first called him to testify and to rebut the evidence against him. If respondent does not testify in his own behalf, he may be called and examined as if under cross-examination.

(c) The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs regardless of the existence of any common law or statuatory rule which might make improper the admission of evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the same extent that they are not or hereafter may be recognized in civil actions, and irrelevant and unduly repetitious evidence shall be excluded.

(13.0)
Section 120. RECORD OF PROCEEDINGS. A record of all proceedings had before the Hearing Board shall be made. The record shall be prepared in accordance with one of the following methods:

(a) A written summary of all the evidence, testimony and proceedings had and presented at the hearing shall be made by a person designated by the Hearing Board for that purpose.

(b) By a magnetic tape recording.

(c) Any interested person, including the Hearing Board or the District, may at his own cost provide a certified shorthand reporter satisfactory to the Hearing Board who shall prepare a verbatim transcript of all the evidence, testimony and proceedings had and presented at the hearing. The original and one copy of such transcript, each certified to by the reporter as to its accuracy, shall be filed with the Hearing Board within 30 days from the closing date of the hearing unless required by the Hearing Board prior to that time. No matter shall be deemed submitted under this regulation until such transcript has been filed with the Hearing Board unless otherwise ordered by the Hearing Board.

(2.0)
Section 121. PRELIMINARY MATTERS. Preliminary matters such as setting a date for hearing, granting continuances, approving petitions for filing, allowing amendments and other preliminary rulings not determinative of the merits of the case, may be made by the Chairman or any two members of the Hearing Board without a hearing or meeting of the Hearing Board and without notice.

(2.0)
Section 122. OFFICIAL NOTICE. The Hearing Board may take official notice of any matter which may be judicially noticed by the courts of this State.

Section 122.1 The Hearing Board may hold a hearing in bank or may designate three or four of their number to hold a hearing.

Section 122.2 If three or more members of the Hearing Board conduct a hearing, the concurrence of three shall be necessary for a decision.

Section 122.3 The hearing Board, not less than four being present, in its discretion, within 30 days rehear any matter which was decided by three members.

(2.0)
Section 123. CONTINUANCES. The Chairman or any two members of the Hearing Board shall grant any continuance of 15 days or less, concurred in by petitioner, the Control Officer and by every person who has filed an answer in the action and may grant any reasonable continuance. In either case such action may be ex parte, without a meeting of the Hearing Board and without prior notice.

(2.0)
Section 124. DECISION. The decision shall be in writing, served and filed within 15 days after submission of the cause by the parties thereto and shall contain a brief statement of facts found to be true, the determination of the issues presented, and the order of the Hearing Board. A copy shall be mailed or delivered to the Control Officer, the petitioner and to every person who has filed an answer or who has appeared as a party in person or by counsel at the hearing.

(2.0)
Section 125. EFFECTIVE DATE OF DECISION. The decision shall become effective 15 days after delivering or mailing a copy of the decision, as provided in Section 124, or the Hearing Board may order that the decision shall become effective sooner.

ARTICLE VI FEES

(16.0)
Section 150. HEARING BOARD FEES. Every applicant or petitioner for a variance or for the extension, revocation or modification of a variance, except any state or local governmental agency or public district, shall pay to the County Clerk, on filing a fee in the sum of $25.00.

(16.0)
Section 151. HEARING TRANSCRIPT COST. Any person requesting a transcript of the hearing shall pay the cost of preparing such transcript.

(9.0)
Section 152. ANALYSIS FEES. When the Air Pollution Control Officer finds that analysis of the emissions from any source is necessary to determine the extent and amount of pollutants being discharged into the atmosphere which cannot be determined by visual observation, he may request that the Board order samples to be collected and analysis be made by qualified personnel. The time required for collecting samples, making the analysis and preparing the necessary reports may be charged against the owner or operator of said premises as a reasonable sum to be determined by the Board. This amount may not exceed the actual cost of the work. In the event the findings show that no excess contaminants are in fact being discharged, then the Air Pollution Control District shall be responsible for the entire cost of the investigation.

(13.0)
Section 153. TECHNICAL REPORTS AND REGULATIONS: CHARGES FOR. Information, circulars, reports of technical work and copies of these Regulations when supplied to other governmental agencies or individuals or groups requesting copies of the same may be charged for by the District in a sum not to exceed the cost of preparation and distribution of such documents. All monies collected shall be turned into the general fund of the District.

(2.0)
Section 154. AUTHORIZATION TO CONSTRUCT FEES. The fee for filing an application to construct is ten and no/100 Dollars ($10.00).

(3.0)
Section 155 PERMIT TO OPERATE FEE SCHEDULES. It is hereby determined that the cost of processing applications for permits to operate required by these regulations, and of inspections pertaining to such processing exceeds the fees prescribed herein. In determining the fees to be charged, the applicable equipment within each process will be totaled for each schedule. In the event that more than one fee schedule is applicable to any single process, the governing schedule shall be that which results in the higher fee.

Schedule 1

Electric Motor Horsepower Schedule

Any article, machine, equipment, or other contrivance, the use of which may cause the issuance of air contaminants, or the use of which may eliminate or reduce or control the issuance of air contaminants, where an electric motor is used as the power supply shall be assessed a permit to operate fee based on the total rated motor horsepower of all such electric motors included in any such article, machine, equipment or other contrivance, in accordance with the following schedule:

Horsepower	Fee
up to and including 5	$ 10.00
greater than 5 but less than 50	25.00
50 or greater but less than 100	50.00
100 or greater but less than 200	75.00
200 or greater but less than 400	100.00
400 or greater but less than 800	150.00
800 or greater but less than 1600	200.00
1600 or greater	250.00 + 5¢ a HP above 1600

Schedule 2

Fuel Burning Equipment Schedule

Any article, machine, equipment or other contrivance the use of which may cause the issuance of air contaminants, or the use of which may eliminate or reduce or control the issuance of air contaminants, in which fuel is burned, with the exception of incinerators which are covered in Schedule 4, shall be assessed a permit to operate fee based upon the design fuel consumption of the article, machine, equipment or other contrivance expressed in thousands of British Thermal Units (BTU) per hour, using gross heating values of the fuel, in accordance with the following schedule:

1000 British Thermal Units Per Hour	Fee
up to and including 150	$ 10.00
greater than 150 but less than 1,000	25.00
1,000 or greater but less than 5,000	50.00
5,000 or greater but less than 15,000	75.00
50,000 or greater but less than 50,000	100.00
50,000 or greater but less than 150,000	150.00
150,000 or greater but less than 500,000	200.00
500,000 or greater	250.00 + 5¢ for each additional 1,000 BTU

Schedule 3

Electrical Energy Schedule

Any article, machine, equipment, or other contrivance, the use of which may cause the issuance of air contaminants, or the use of which may eliminate or reduce or control the issuance of air contaminants, which uses electrical energy, with the exception of electric motors covered in Schedule 1, shall be assessed a permit to operate fee based on the total kilovolt ampere (KVA) ratings, in accordance with the following schedule:

Kilovolt Amperes	Fee
up to and including 50	$ 10.00
greater than 50 but less than 200	20.00
200 or greater but less than 2,000	50.00
2,000 or greater but less than 14,000	100.00
14,000 or greater but less than 150,000	200.00
150,000 or greater	250.00 + 5¢ for each additional 1,000 KVA

Schedule 4

Incinerator Schedule

Any article, machine, equipment, or other contrivance the use of which may cause the issuance of air contaminants, or the use of which may eliminate or reduce or control the issuance of air contaminants, which is primarily to dispose of combustible refuse by wholly comsuming the material charged leaving only the ashes or residue shall be assessed a permit to operate fee based on the following schedule of the maximum horizontal inside cross sectional area, in square feet, of the primary combustion chamber:

Area in Square Feet	Fee
up to and including 3	$ 7.50
3 or greater but less than 15	15.00
15 or greater but less than 50	35.00
50 or greater but less than 150	75.00
150 or greater	125.00 + 5¢ for each additional square foot

Schedule 5

Stationary Container Schedule

Any stationary tank, reservoir, or other container the use of which

may cause the issuance of air contaminants, or the use of which may eliminate or reduce or control the issuance of air contaminants, shall be assessed a permit to operate fee based on the following schedule of capacities in gallons or cubic equivalent:

Gallons	Fee
up to and including 4,000	$ 7.50
greater than 4,000 but less than 40,000	15.00
40,000 or greater but less than 400,000	25.00
400,000 or greater but less than 4,000,000	50.00
4,000,000 or greater	65.00 + 2.5¢ for each additional 10,000 gallons

Schedule 6

Miscellaneous Schedule

Any article, machine, equipment or other contrivance the use of which may cause the issuance of air contaminants, or the use of which may eliminate or reduce or control the issuance of air contaminants, which is not included in the preceding schedules shall be assessed a permit fee of $20.00.

Schedule 7

The fee for filing an application for a permit to operate any article, machine, equipment, or other contrivance is $5.00 if a permit to operate is already in force and there will be no alterations, addition or modification to any equipment requiring a permit to operate.